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Attorneys for Petitioner Riel

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL

Petitioner,

vs.

WARDEN, San Quentin State Prison,

Respondent.

Case No. 2:01-cv-00507 LKK DAD (TEMP)

DEATH PENALTY CASE

CERTIFICATE OF ASSISTANT FEDERAL
DEFENDER FOR PAYMENT OF WITNESS
FEES

Joan M. Fisher, Assistant Federal Defender Counsel for the Federal Defender of the Eastern District of California, and appointed counsel for Petitioner CHARLES RIEL, pursuant to 28 U.S.C. section 1825(b)(1), hereby certifies that the non-expert fact witnesses listed below, having appeared and testified pursuant to subpoenas approved by this Court, are entitled to fees and mileage to be paid by the United States Marshal for the Eastern District of California. At the request of the Marshal, the undersigned also requests that the Court approve this certificate.

On April 28, 2011, the following individual appeared on behalf of Petitioner as non-expert fact witnesses in this case: Joseph Berger.

Certificate of Assistant Federal Defender
For Payment of Witness Fees

Riel v. Warden, 2:01-cv-00507 LKK DAD (TEMP)

1 Section 1825(b) of the Judicial Code provides that “[i]n proceedings in forma pauperis
2 for a writ of habeas corpus . . . the United States marshal for the district shall pay . . . all fees of
3 witnesses for the party authorized to proceed in forma pauperis” Where non-expert fact
4 witnesses appeared “pursuant to subpoenas issued upon approval of the court, ” the marshal shall
5 pay the witnesses’ fees “on certificate of a Federal public defender or assistant Federal public
6 defender” who represents the party authorized to proceed in forma pauperis. 28 U.S.C. §
7 1825(b)(1).

8 Petitioner in this case has been authorized to proceed in forma pauperis, and the Federal
9 Public Defender has been appointed to represent him. The undersigned has been assigned to
10 represent Petitioner.

11 Undersigned issued subpoenas to the witness named herein pursuant to the Court’s orders
12 granting an evidentiary hearing and directing that the testimony of Joseph Berger to be taken
13 outside the courtroom.

14 Fact witness voucher have been prepared for the named witness, and undersigned signed
15 the certificates thereon. However, the marshal typically requests a court order before paying the
16 witnesses’ fees.

17 WHEREFORE, undersigned respectfully requests that this Court approve this certificate
18 and direct the Marshal to pay the fees.

19 Dated: May 16, 2011

Respectfully submitted,

ROBERT D. BACON

DANIEL J. BRODERICK
Federal Defender

/s/ Joan M. Fisher
JOAN M. FISHER
Assistant Federal Defender

TIVON SCHARDL
Trial & Habeas Counsel

Attorney for Petitioner Charles Dell Riel

APPROVED

DATED: May 25, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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riel-factwitnesscertificate.wpd

Certificate of Assistant Federal Defender
For Payment of Witness Fees

Riel v. Warden, 2:01-cv-00507 LKK DAD (TEMP)